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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,582	10/31/2002	James J. Cigelske JR.	ITW7510.031	9760

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EXAMINER

BOLES, DEREK

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,582

Applicant(s)

CIGELSKE, JAMES J.

Examiner

Derek S. Boles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

The restriction requirement is withdrawn.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tapering from the front edge to the rear edge and the components for the welding apparatus must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Wilson (6,508,704). See figs. 5b, 6b and 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 5-10 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wilson et al. in view of Achtner. Wilson et al. discloses all of the limitations of the claim(s) except for the louver assembly being employed in a welding apparatus. Achtner discloses the presence of a welding apparatus employing a louver assembly. See 3, 5 and fig. 2. Hence, one skilled in the art would find it obvious to modify the system of Wilson et al. to include the louver assembly being employed in a welding apparatus of Achtner for the purpose of protecting internal components. Wilson et al. in view of Achtner discloses all of the limitations of the claim(s) except for the prevention of a probe of predetermined diameter from passing the rear edge of any one of the louvers. Steele (5,201,879) discloses the presence of prevention of a probe of predetermined diameter from passing the rear edge of any one of the louvers. See abstract. Hence, one skilled in the art would find it obvious to modify the system of Wilson et al. in view of Achtner to include a probe of predetermined diameter from passing the rear edge of any one of the louvers of Steele for the purpose of increased safety. Regarding claim 10, Wilson et al. in view of Achtner and in further view of Steele discloses all of the limitations of the claim except for the predetermined diameter of 2.5mm. However, since the applicant has failed to establish any criticality or synergistic results which are derived from the recited configurations, these limitations are considered a matter of obvious design choice. Thus, the applicant's design configurations would have been an obvious improvement to one of ordinary skill in the art with regard to the apparatus disclosed in Wilson et al. in view of Achtner and in further view of Steele.

Claim(s) 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. in view of Matsushima et al. (4,661,669). Wilson et al. discloses all of the limitations of the claim(s) except for the louvers being tapered from the front edge to the rear edge. Matsushima et al. discloses the presence of louvers being tapered from the front edge to the rear edge. See col. 8, lines 39-43. Hence, one skilled in the art would find it obvious to modify the system of Wilson et al. to include the louvers being tapered from the front edge to the rear edge of Matsushima et al. for the purpose of increase airflow control.

Claim(s) 13, 17-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. in view of Matsushima et al. and in further view of Achtner. Wilson et al. in view of Matsushima et al. discloses all of the limitations of the claim(s) except for incorporating the vent assembly into a welder. Achtner discloses the presence of incorporating the vent assembly into a welder. See fig. 2. Hence, one skilled in the art would find it obvious to modify the system of Wilson et al. in view of Matsushima et al. to include a incorporating the vent assembly into a welder of Achtner for the purpose of ventilating welding components.

Claim(s) 16 is rejected under 35 U.S.C. 103(a) as being unpatentable Wilson et al. in view of Matsushima et al. in view of Achtner and in further view of McCoy (3,662,670). Wilson et al. in view of Matsushima et al. in view of Achtner discloses all of the limitations of the claim(s) except for the set of louvers being connected to one another through a single center post. McCoy discloses the presence of a set of louvers being connected to one another through a single center post. See 10. Hence, one skilled in the art would find it obvious to modify the system of Wilson et al. in view of Matsushima et al. in view of Achtner to include a set of louvers being

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connected to one another through a single center post of McCoy for the purpose of reduction of parts.

Claim(s) 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. in view of Achtner and in further view of McCoy. Refer to claim 16, above.


Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The provided references are representative of the state of the art that is applicable to the applicant's invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (703) 308-1804 or fax number (703) 746-4569. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The Supervisory Primary Examiner for Art Unit 3749 is Ira Lazarus who can be reached at (703) 308-1935.

D.S.B.


**DEREK S. BOLES
PRIMARY EXAMINER
GROUP 3700**

3/19/04